

Atty. Docket No.: Q58947
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/552,715

REMARKS

Claims 1 - 3, 5 - 12, and 14 - 22 were previously pending. Claims 23 - 26 are herein added. Accordingly, claims 1 - 3, 5 - 12, and 14 - 26 are presently pending.

As a preliminary matter, the instant Office Action contains a typographical error on page 2, wherein the Examiner states that claims "1 - 3, 5 - 12, [and] 17 - 22" are rejected. It is apparent from the substance of the Office Action, as well as the Office Action summary, that the Examiner meant to state that claims 1 - 3, 5 - 12 and 14 - 22 are rejected. Applicants have responded as if claims 1 - 3, 5 - 12 and 14 - 22 are rejected and request that the Examiner clarify the rejection if Applicants have misunderstood.

I. 35 U.S.C. § 103 Rejection

The Examiner has withdrawn the previous indication of allowable subject matter and now rejects claims 1 - 3, 5 - 12 and 14 - 22 under 35 U.S.C. § 103 as allegedly being obvious in view of a combination of U.S.P. No. 5,420,761 to DuNah and U.S.P. No. 5,532,852 to Kalmanash. Applicant respectfully traverses this rejection as follows.

Applicant's independent claims each recite "prism-like *irregularities* [.]" The Examiner compares DuNah's facets (for instance, described at Col. 3, lines 13 - 18) to Applicant's claimed prism-like irregularities. This comparison is inapposite, as explained below.

DuNah's facets are NOT irregular. Indeed, DuNah's specification and claims are particular in stating that a *singular* angle is shared by all of the facets in DuNah's device. That is, DuNah recites: "*the* angle between the facets and normal to the light pipe is typically between

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45 degrees and 55 degrees" (*see* Col. 3, lines 13 – 18; *see also* claim 6) (emphasis added). This is true because DuNah's facets are *regular*, meaning that the angles of DuNah's facets are all the same.¹

The Examiner agrees that DuNah's facets are all the same (and thus regular), as shown by the statement on page 3 of the instant Office Action:

Regarding the constraint that all of the prisms' smaller angles are within 5 degrees on the whole device and 1 degree on neighboring prisms, the [DuNah] reference clearly shows the same pitch, *which means the same angle, and therefore one of ordinary skill in the art would have recognized that the angle is the same . . . [throughout] the reference.* (Emphasis added.)

In contrast to the previous, Applicant's independent claims each recite that the prism-like irregularities comprise: "an inclination angle in a range of from 0 to 10 degrees, exclusive of 0 degree, with respect to said reference plane so that the difference in inclination angle among all of said slopes of the long side surface is within 5 degrees *and the difference* in the inclination angle between adjacent long side surfaces is within 1 degree." (Emphasis added.) In other words, Applicant's claims recite "prism-like *irregularities* [.]" Because these features are absent from the DuNah reference and further because the Kalmanash reference is likewise deficient, the Examiner is respectfully requested to reconsider and withdraw this rejection.

1. Consider that the American Heritage Dictionary of the English Language (4th Ed., 2003) defines regular as follows: "*Mathematics. . . [h]aving equal sides and equal angles.*"

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II. New Claims 23 - 26

New claims 23 – 26 are herein added, the subject matter for which is supported, for example, by page 12, lines 15 – 18, of Applicant's specification.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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MOUNTAIN VIEW OFFICE

23493

CUSTOMER NUMBER

Date: January 28, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.111 is being facsimile transmitted to the U.S. Patent and Trademark Office this 28th day of January, 2005.

Mariann Tam